

# **State of Illinois 91st General Assembly Final Senate Journal**

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

93RD LEGISLATIVE DAY

FRIDAY, MARCH 31, 2000

10:00 O'CLOCK A.M.

No. 93

[Mar. 31, 2000]

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The Senate met pursuant to adjournment.  
Senator John W. Maitland, Bloomington, Illinois, presiding.  
Prayer by Reverend Margaret Grove, First United Methodist Church,  
Springfield, Illinois.  
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, March 28, 2000, was being read when on  
motion of Senator Myers further reading of same was dispensed with  
and unless some Senator had corrections to offer, the Journal would  
stand approved. No corrections being offered, the Journal was  
ordered to stand approved.

The Journal of Wednesday, March 29, 2000, was being read when on  
motion of Senator Myers further reading of same was dispensed with  
and unless some Senator had corrections to offer, the Journal would

stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journal of Thursday, March 30, 2000 be postponed pending arrival of the printed Journal.

The motion prevailed.

#### **REPORT FROM STANDING COMMITTEE**

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 2991 and 4404** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

#### **CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK**

Senator O'Malley moved that **Senate Resolution No. 314**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator O'Malley moved that Senate Resolution No. 314 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Peterson moved that **House Joint Resolution No. 40**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

#### **AMENDMENT NO. 1**

**AMENDMENT NO. 1.** Amend House Joint Resolution 40 on page 6, line 28 after "Grant," by inserting the following:

"and Governor Adlai Stevenson and mayors Richard J. Daley and Harold Washington".

Senator Peterson moved that **House Joint Resolution No. 40**, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

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The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne

Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The motion prevailed.

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And the resolution, as amended, was adopted by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence in the Senate Amendment adopted thereto.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Watson, **House Bill No. 2109** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 2884** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

##### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2884 on page 4, by inserting the following after line 22:

"Section 15. The Bingo License and Tax Act is amended by changing Section 2 as follows:

(230 ILCS 25/2) (from Ch. 120, par. 1102)

Sec. 2. The conducting of bingo is subject to the following restrictions:

(1) The entire net proceeds from bingo play must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) (Blank). ~~No person except a bona fide member of the sponsoring organization or a bona fide member of an auxiliary organization, substantially all of whose members are spouses of members of the sponsoring organization may participate in the management or operation of the game.~~

(3) No person may receive any remuneration or profit for participating in the management or operation of the game, except that if an organization licensed under this Act is associated with a school or other educational institution, that school or institution may reduce tuition or fees for a designated pupil based on participation in the management or operation of the game by any member of the organization. The extent to which tuition and fees are reduced shall relate proportionately to the amount of time volunteered by the member, as determined by the school or other educational institution.

(4) The aggregate retail value of all prizes or merchandise awarded in any single day of bingo may not exceed \$2,250, except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of not more than 2 counties in this State, and in any municipality having 2,500 or more inhabitants and within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2 additional bingo games may be conducted after the \$2,250 limit has been reached. The prize awarded for any one game, including any game conducted after reaching the \$2,250 limit as authorized in this paragraph (4), may not exceed \$500 cash

or its equivalent.

(5) The number of games may not exceed 25 in any one day including regular and special games, except that this restriction on the number of games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois.

(6) The price paid for a single card under the license may not

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exceed \$1 and such card is valid for all regular games on that day of bingo. A maximum of 5 special games may be held on each bingo day, except that this restriction on the number of special games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois. The price for a single special game card may not exceed 50 cents.

(7) The number of bingo days conducted by a licensee under this Act is limited to one per week, except as follows:

(i) Bingo may be conducted in accordance with the terms of a special operator's permit or limited license issued under subdivision (3) of Section 1.

(ii) Bingo may be conducted at the Illinois State Fair or any county fair held in Illinois under subdivision (3) of Section 1.

(iii) A licensee which cancels a day of bingo because of inclement weather or because the day is a holiday or the eve of a holiday may, after giving notice to the Department, conduct bingo on an additional date which falls on a day of the week other than the day authorized under the license. As used in this subdivision (iii), "holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.

(8) A licensee may rent a premises on which to conduct bingo only from an organization which is licensed as a provider of premises or exempt from license requirements under this Act. If the organization providing the premises is a metropolitan exposition, auditorium, and office building authority created by State law, a licensee may enter into a rental agreement with the organization authorizing the licensee and the organization to share the gross proceeds of bingo games; however, the organization shall not receive more than 50% of the gross proceeds.

(9) No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his parent or guardian.

(10) The promoter of bingo games must have a proprietary interest in the game promoted.

(11) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted, except that pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(12) An organization holding a special operator's permit or a limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of 2 consecutive days, during

each day of which the number of games may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in paragraph (4) of this Section shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed \$150.

(Source: P.A. 87-220; 87-1175; 88-53.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Karpiel, **House Bill No. 2979** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 3073** having been

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printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3073 on page 2, by replacing lines 12 through 15 with the following:

"g. causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act in violation of Article IV of the Illinois Controlled Substances Act, except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription."; and

on page 4, by deleting lines 22 through 32; and

on page 5, by deleting lines 1 through 10.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 3271** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **House Bill No. 3286** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **House Bill No. 3465** was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Judiciary.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Karpiel, **House Bill No. 3588** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on

Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3588 on page 1, immediately below line 9, by inserting the following:

"Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator O'Malley, **House Bill No. 3838** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 3928** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3928 as follows:  
on page 4, line 7, by replacing "10" with "11"; and  
on page 4, line 15, by deleting "and"; and  
on page 4, by replacing line 17 with the following:

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"homes; and (ix) one individual who works with consumer financing."; and

on page 5, by replacing lines 4 through 15 with the following:

"(f) The Department must promulgate rules to implement this Act.

Section 45. Penalties. The Department may revoke a license issued under this Act for a period not to exceed 6 months. A licensee is entitled to a hearing in accordance with the Illinois Administrative Procedure Act prior to a revocation of license.

Section 50. Injunctive relief. If the Department finds that any installer or manufacturer is operating without a valid license, the Director of the Department may request that the Attorney General file a complaint in circuit court in the name of the People of the State of Illinois to enjoin that installer or manufacturer from engaging in unlicensed activities.

Section 55. Exemption. This Act does not apply to an individual who chooses to install his or her own manufactured home on private agricultural land which that individual owns. Such an individual waives any rights he or she otherwise has under this Act.

Section 60. Exclusive State power or function. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

Section 99. Effective date. This Act takes effect January 1,

2001."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 4020** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4020 by replacing the title with the following:

"AN ACT concerning taxation of fraternal organizations."; and by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding a Division 13 heading to Article 10 and by adding Section 10-350 as follows:

(35 ILCS 200/Art. 10, Div. 13 heading new)

DIVISION 13. FRATERNAL ORGANIZATION PROPERTY

(35 ILCS 200/10-350 new)

Sec. 10-350. Fraternal organization assessment freeze.

(a) For the taxable year 2001 and thereafter, the assessed value of real property owned and used by a fraternal organization, or its subordinate organization or entity, that is an exempt entity under Section 501(c)(8) of the Internal Revenue Code and whose members provide, directly or indirectly, financial support for charitable works, which may include medical care, drug rehabilitation, or education, shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2001 and on January 1 of each subsequent assessment year, for assessment year 2001 and each

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subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2000; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2001 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under



this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.

(c) Fraternal organizations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) a copy of the organization's charter from the State of Illinois, if applicable;

(2) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;

(3) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property;

(4) an affidavit that the organization is liable for paying the real property taxes on the property; and

(5) the signature of the organization's chief presiding officer.

Subsequent applications shall include any changes in the initial application and shall affirm the ownership, use, and liability for taxes for the year in which it is submitted. All applications shall be notarized.

(d) This Section does not apply to parcels exempt from property taxes under this Code.

Section 10. The State Mandates Act is amended by adding Section 8.24 as follows:

(30 ILCS 805/8.24 new)

Sec. 8.24. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 91st General Assembly.

Section 99. Effective Date. This Act takes effect on January 1, 2001."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 4116** was taken up,  
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read by title a second time and ordered to a third reading.

On motion of Senator Klemm, **House Bill No. 4228** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4228 by replacing everything

after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-12001.1 as follows:

(55 ILCS 5/5-12001.1)

Sec. 5-12001.1. Authority to regulate certain specified facilities of a telecommunications carrier.

(a) ~~Notwithstanding any other Section in this Division, The county board or board of county commissioners of any county shall have the power to regulate the location of the facilities, as defined in subsection (c), of a telecommunications carrier established outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect. The power shall only be exercised to the extent and in the manner set forth in this Section.~~

(b) The provisions of this Section shall not abridge any rights created by or authority confirmed in the federal Telecommunications Act of 1996, P.L. 104-104. The county board or board of county commissioners of any county is authorized to regulate the placement, construction, and modification of the facilities of a telecommunications carrier as provided in the federal Telecommunications Act of 1996, P.L. 104-104. The county board or board of county commissioners may not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of telecommunications services as provided in the federal Telecommunications Act of 1996, P.L. 104-104.

(c) As used in this Section, unless the context otherwise requires:

(1) "county jurisdiction area" means those portions of a county that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect;

(2) "county board" means the county board or board of county commissioners of any county;

(3) "residential zoning district" means a zoning district that is designated under a county zoning ordinance and is zoned predominantly for residential uses;

(4) "non-residential zoning district" means the county jurisdiction area of a county, except for those portions within a residential zoning district;

(5) "residentially zoned lot" means a zoning lot in a residential zoning district;

(6) "non-residentially zoned lot" means a zoning lot in a non-residential zoning district;

(7) "telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997;

(8) "facility" means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a

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supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware;

(9) "FAA" means the Federal Aviation Administration of the United States Department of Transportation;

(10) "FCC" means the Federal Communications Commission;

(11) "antenna" means an antenna device by which radio signals are transmitted, received, or both;

(12) "supporting structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;

(13) "qualifying structure" means a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;

(14) "equipment housing" means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;

(15) "height" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;

(16) "facility lot" means the zoning lot on which a facility is or will be located;

(17) "principal residential building" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation;

(18) "horizontal separation distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building; and

(19) "lot line set back distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way.

(d) In choosing a location for a facility, a telecommunications carrier shall consider the following:

(1) A non-residentially zoned lot is the most desirable location.

(2) A residentially zoned lot that is not used for residential purposes is the second most desirable location.

(3) A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.

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(4) A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

(e) In designing a facility, a telecommunications carrier shall at a minimum abide by ~~consider~~ the following ~~guidelines~~:

(1) No building or tower that is part of a facility will ~~should~~ encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.

(2) Lighting will ~~should~~ be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting will ~~should~~ be shielded so that no glare extends substantially beyond the boundaries of a facility.

(3) No facility will ~~should~~ encroach onto an existing septic field.

(4) Any facility located in a special flood hazard area or wetland will ~~should~~ meet the legal requirements for those lands.

(5) Existing trees more than 3 inches in diameter will ~~should~~ be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.

(6) If any elevation of a facility faces an existing, ~~adjoining~~ residential use or within a residential zoning district, low maintenance landscaping will ~~should~~ be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping will ~~should~~ be in accordance with any county landscaping regulations of general applicability, except that paragraph (5) of this subsection (e) shall control over any tree-related regulations imposing a greater burden.

(7) Fencing will ~~should~~ be installed around a facility. The height and materials of the fencing will ~~should~~ be in accordance with any county fence regulations of general applicability.

(8) Any building that is part of a facility located adjacent to a residentially zoned lot will ~~should~~ be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

(9) A monopole supporting structure will be required when a facility is located within 1,000 feet of a principal residential building.

(10) All supporting structures will be designed to accommodate 2 additional telecommunications carriers.

~~(f) (Blank). The following provisions shall apply to all facilities established in any county jurisdiction area after the effective date of the amendatory Act of 1997:~~

~~(1) Except as provided in this Section, no yard or set back regulations shall apply to or be required for a facility.~~

~~(2) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.~~

~~(3) No minimum lot area, width, or depth shall be required~~

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~~for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.~~

~~(4) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.~~

~~(5) No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.~~

~~(6) A county's review of a building permit application for a facility shall be completed within 30 days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.~~

~~(7) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.~~

~~(8) Any public hearing authorized under this Section shall be conducted in a manner determined by the county board. Notice of any such public hearing shall be published at least 15 days before the hearing in a newspaper of general circulation published in the county.~~

~~(9) Any decision regarding a facility by the county board or a county agency or official shall be supported by written findings of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.~~

(g) The following provisions shall apply to all facilities established after the effective date of this amendatory Act of 1997 in the county jurisdiction area of any county with a population of less than 180,000 that has not adopted an ordinance to exercise the

powers granted in Division 5-12 or Division 5-13:

(1) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:

(A) the height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and

(B) the horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.

(2) Unless a facility is permitted under paragraph (1) of

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this subsection (g), a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph (3) of this subsection (g). The county board may give its approval after one public hearing on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier. If the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.

(3) For purposes of paragraph (2) of this subsection (g), the following siting considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing:

(A) the criteria in subsection (d) of this Section;

(B) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

(C) the benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;

(D) the existing uses on adjacent and nearby properties; and

(E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

(4) On judicial review of an adverse decision, the issue

shall be the reasonableness of the county board's decision in light of the evidence presented on the siting considerations and the well-reasoned recommendations of any other body that conducts the public hearing.

(h) The following provisions shall apply to all facilities established after the effective date of this amendatory Act of 1997 in the county jurisdiction area of any county with a population of 180,000 or more that has not adopted an ordinance to exercise the powers granted in Division 5-12 or Division 5-13. A facility is permitted in any zoning district subject to the following:

(1) A facility shall not be located on a lot under paragraph (4) of subsection (d) unless a variation is granted by the county board under paragraph (4) of this subsection (h).

(2) Unless a height variation is granted by the county board, the height of a facility shall not exceed 75 feet if the facility will be located in a residential zoning district or 200 feet if the facility will be located in a non-residential zoning district. However, the height of a facility may exceed the height limit in this paragraph, and no height variation shall be required, if the supporting structure is a qualifying structure.

(3) The improvements and equipment of the facility shall be placed to comply with the requirements of this paragraph at the time a building permit application for the facility is submitted. If the supporting structure is an antenna tower other than a qualifying structure then (i) if the facility will be located in a residential zoning district the lot line set back distance to the nearest residentially zoned lot shall be at least 50% of the height of the facility's supporting structure or (ii) if the facility will be located in a non-residential zoning district the horizontal separation distance to the nearest principal

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residential building shall be at least equal to the height of the facility's supporting structure.

(4) The county board may grant variations for any of the regulations, conditions, and restrictions of this subsection (h), after one public hearing on the proposed variations, by a favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of an application by the telecommunications carrier. If the county board fails to act on the application within 75 days after submission, the application shall be deemed to have been approved. In its consideration of an application for variations, the county board, and any other body conducting the public hearing, shall consider the following, and no other matters:

(A) whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;

(B) whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would

result in a hardship on the telecommunications carrier;

(C) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

(D) whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and

(E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

No more than one public hearing shall be required.

(5) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented and the well-reasoned recommendations of any other body that conducted the public hearing.

(Source: P.A. 90-522, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Karpel, **House Bill No. 4258** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 4396** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4396 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 7.3 as follows:

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(20 ILCS 1705/7.3 new)

Section 7.3. Nurse aide registry; finding of abuse or neglect. The Department shall require that no facility, service agency, or support agency providing mental health or developmental disability services that is licensed, certified, operated, or funded by the Department shall employ a person, in any capacity, who is identified by the nurse aide registry as having been previously terminated by a facility, service agency, or support agency licensed, certified, operated, or funded by the Department pursuant to a substantiated finding of abuse or neglect of a service recipient, or who has previously resigned from a facility, service agency, or support agency subsequent to an incident that later resulted in a



substantiated finding of abuse or neglect of a service recipient by that individual. The Department shall establish and maintain such rules as are necessary or appropriate to effectuate the intent of this Section. The provisions of this Section shall not apply to any facility, service agency, or support agency licensed or certified by a State agency other than the Department, unless operated by the Department of Human Services.

Section 10. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 6.2 as follows:

(210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

(Section scheduled to be repealed on January 1, 2002)

Sec. 6.2. Inspector General.

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall investigate reports of suspected abuse or neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from

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agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of

abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

The Inspector General shall be appointed for a term of 4 years.

(b) The Inspector General shall within 24 hours after receiving a report of suspected abuse or neglect determine whether the evidence indicates that any possible criminal act has been committed. If he determines that a possible criminal act has been committed, or that special expertise is required in the investigation, he shall immediately notify the Department of State Police. The Department of State Police shall investigate any report indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. The facility or agency may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) The Inspector General may recommend to the Departments of

Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's attorneys in imposing such sanctions.

(e) The Inspector General shall establish and conduct periodic training programs for Department employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access to any mental health or developmental disabilities facility operated by the Department, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to any facility or program funded by the Department that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(g-5) After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals who have been previously terminated by a facility, service agency, or support agency licensed, certified, operated, or funded by the Department of Human Services, except by a facility, service agency, or support agency licensed or certified by a State agency other than the Department of Human Services, unless operated by the Department of Human Services, pursuant to a substantiated finding of abuse or neglect of a service recipient, or who have previously resigned from such facility, service agency, or support agency subsequent to an incident that later resulted in a substantiated finding of abuse or neglect of a service recipient by that individual.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the Illinois Public Labor Relations Act or pursuant to any federal labor statute. A person shall not be considered hereunder as having been previously terminated pursuant to a substantiated finding of abuse or neglect of a service recipient, unless the finding is final after exhaustion of review of the termination under the grievance and arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a comparable provision in another labor statute applicable to that person.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to

the registry, including procedures for notice to the individual, appeal and hearing, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that, at the hearing, both parties may present written and oral evidence.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by

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certified mail. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If after notice and a hearing or if the individual does not request a hearing, the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In the case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect shall also include disclosure of the individual's brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.

At any time after the report to the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. The Department of Human Services may report the removal of the finding to the registry unless, after an investigation and a hearing, the Department of Human Services determines that removal is not in the public interest.

(h) This Section is repealed on January 1, 2002.

(Source: P.A. 90-252, eff. 7-29-97; 90-512, eff. 8-22-97; 90-655, eff. 7-30-98; 91-169, eff. 7-16-99.)

Section 15. The Nursing Home Care Act is amended by changing Section 3-206.1 as follows:

(210 ILCS 45/3-206.01) (from Ch. 111 1/2, par. 4153-206.01)

Sec. 3-206.01. Nurse aide registry.

(a) The Department shall establish and maintain a registry of all individuals who have satisfactorily completed the training required by Section 3-206. The registry shall include the name of the nursing assistant, habilitation aide, or child care aide, his or her current address, Social Security number, and the date and location of the training course completed by the individual, and the date of the individual's last criminal records check. Any individual placed on the registry is required to inform the Department of any change of address within 30 days. A facility shall not employ an individual as a nursing assistant, habilitation aide, or child care aide unless the facility has inquired of the Department as to information in the registry concerning the individual and shall not employ anyone not on the registry unless the individual is enrolled in a training program under paragraph (5) of subsection (a) of Section 3-206 of this Act.

If the Department finds that a nursing assistant, habilitation aide, or child care aide has abused a resident, neglected a resident, or misappropriated resident property in a facility, the Department shall notify the individual of this finding by certified mail sent to the address contained in the registry. The notice shall give the individual an opportunity to contest the finding in a hearing before the Department or to submit a written response to the findings in lieu of requesting a hearing. If, after a hearing or if the individual does not request a hearing, the Department finds that the individual abused a resident, neglected a resident, or misappropriated resident property in a facility, the finding shall be included as part of the registry as well as a brief statement from the individual, if he or she chooses to make such a statement. The Department shall make information in the registry available to the public. In the case of inquiries to the registry concerning an individual listed in the registry, any information disclosed concerning such a finding shall also include disclosure of any statement in the registry relating to the finding or a clear and

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accurate summary of the statement.

(b) The Department shall add to or remove from the nurse aide registry records of findings as reported by the Inspector General under Section 6.2 of the Abused and Neglected Long Term Care Facility Residents Reporting Act.

(Source: P.A. 91-598, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect on January 1, 2001."

There being no further amendments, the bill, as amended, was ordered to a third reading.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Syverson, **House Bill No. 3485** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard

Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson

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Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, **House Bill No. 3881** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.

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Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen

Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Mr. President

The following voted in the negative:

Welch

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Syverson, **House Bill No. 3926** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None; Present 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard

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Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs



Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted present:

Lauzen

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ronen, **House Bill No. 4047** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

[Mar. 31, 2000]

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a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson

Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver

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Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **House Bill No. 4097** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland

Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid

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Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator R. Madigan, **House Bill No. 4280** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin

DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz

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Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator O'Malley, **House Bill No. 4433** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.

[Mar. 31, 2000]

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Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker

Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Petka, **House Bill No. 4593** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne

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Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson

Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cronin, **House Bill No. 2067** having been

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printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito

Walsh, L.  
Walsh, T.  
Watson

[Mar. 31, 2000]

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Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Rauschenberger, **House Bill No. 2130** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays 1; Present 2.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers

Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid

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Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Jones, W.

The following voted present:

Demuzio  
Shaw

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Dudycz, **House Bill No. 2870** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford

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Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.

Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, **House Bill No. 2888** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard

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Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers

Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cronin, **House Bill No. 2940** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

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The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue

Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not

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adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Roskam, **House Bill No. 3180** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None; Present 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson



Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted present:

Ronen

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cronin, **House Bill No. 3254** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays 2.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.

Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Obama  
O'Daniel  
O'Malley

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Parker  
Peterson  
Petka  
Radogno  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

The following voted in the negative:

Noland  
Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dudycz, **House Bill No. 3312** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel

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Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.

Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Rauschenberger, **House Bill No. 3428** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin

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DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz

Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, **House Bill No. 3435** having been printed as received from the House of Representatives, together with

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all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 50; Nays 6.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Cronin  
DeLeo  
del Valle  
Demuzio  
Dillard

Donahue  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lightford  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Maitland  
Mitchell  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
Parker  
Peterson  
Petka  
Radogno  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Mr. President

The following voted in the negative:

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Clayborne  
Lauzen  
Link  
O'Malley  
Rauschenberger  
Welch

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Dudycz, **House Bill No. 3478** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 46; Nays 6; Present 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
DeLeo  
del Valle  
Demuzio  
Dudycz  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Mahar  
Maitland  
Mitchell  
Munoz  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben

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Silverstein  
Smith  
Sullivan  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver

The following voted in the negative:

Cronin  
Donahue  
Myers  
Peterson  
Welch  
Mr. President

The following voted present:

Klemm

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

#### **RESOLUTIONS CONSENT CALENDAR**

##### **SENATE RESOLUTION NO. 332**

Offered by Senator E. Jones and all Senators:

Mourns the death of Charles James "Chuck" Durham, Sr., of Chicago.

##### **SENATE RESOLUTION NO. 333**

Offered by Senator Lauzen and all Senators:

Mourns the death of Paul J. Reuland.

##### **SENATE RESOLUTION NO. 334**

Offered by Senator Lauzen and all Senators:

Mourns the death of Patricia A. Paull of Aurora.

##### **SENATE RESOLUTION NO. 336**

Offered by Senator Noland and all Senators:

Mourns the death of Craig E. Milligan of Decatur.

Senator Maitland moved the adoption of the foregoing resolutions.  
The motion prevailed.

And the resolutions were adopted.



Senator Karpel announced that there will be a Republican caucus immediately upon adjournment.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION NO. 57**

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN,** that when the House of Representatives adjourns on Thursday, March 30, 2000 it stands adjourned until Tuesday, April 4, 2000 at 1:00 o'clock p.m.; and when the Senate adjourns on Friday, March 31, 2000 it stands adjourned until Tuesday, April 4, 2000 at 12:00 o'clock noon.

Adopted by the House, March 30, 2000.

ANTHONY D. ROSSI, Clerk of the House

By unanimous consent, on motion of Senator Weaver, the foregoing message reporting **House Joint Resolution No. 57** was taken up for immediate consideration.

Senator Weaver moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

**MOTION IN WRITING**

Senators Halvorson, Obama, L. Walsh, Lightford, Smith, Demuzio, Jacobs, Molaro, Bowles, DeLeo, L. Madigan, Shadid, Trotter, Cullerton, O'Daniel, del Valle, Ronen, Clayborne, Link, Silverstein, Mitchell, Welch, Munoz, Shaw, Viverito, Hendon and E. Jones submitted the following Motion in Writing:

Under Senate Rule 7-9 we move to discharge the Senate Rules Committee from further consideration of **House Bill No. 3036** and ask that the bill be placed on the Senate Calendar on the order of Second Reading.

DATE: March 31, 2000

s/Debbie Halvorson  
s/Barack Obama  
s/Lawrence Walsh  
s/Kimberly A. Lightford  
s/Margaret Smith  
s/Vince Demuzio  
s/Denny Jacobs  
s/Robert Molaro  
s/Evelyn Bowles  
s/James A. DeLeo  
s/Lisa Madigan  
s/George R. Shadid  
s/Donne Trotter  
s/John Cullerton

s/William L. O'Daniel  
s/Miguel del Valle  
s/Carol Ronen  
s/James F. Clayborne, Jr.  
s/Terry Link  
s/Ira Silverstein  
s/Ned Mitchell  
s/Pat Welch  
s/Antonio Munoz  
s/William Shaw  
s/Louis Viverito  
s/Rickey Hendon  
s/Emil Jones

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The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

#### **LEGISLATIVE MEASURE FILED**

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 2261

At the hour of 11:53 o'clock a.m., on motion of Senator Sullivan, and pursuant to **House Joint Resolution No. 57**, the Senate stood adjourned until Tuesday, April 4, 2000 at 12:00 o'clock noon.

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